

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 10728 of 2007(B)

PETITIONER:

**SAKTHIDHARA SAHAYA SANGHAM,
REGISTRATION NUMBER 318/89, PAMAMBUKAD,
VALLARPADAM (P.O), REPRESENTED BY ITS SECRETARY,
MANGALANDAN, S/O.CHATHUKUTTY, PULITHARA HOUSE,
PANAMBUKAD, VALLARPADAM (P.O)**

**BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
LOCAL SELF DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.**
- 2. THE DEPUTY DIRECTOR OF PANCHAYATHS,
ERNAKULAM.**
- 3. MULAVUKAD GRAMA PANCHAYATH,
MULAVUKAD (P.O)
REPRESENTED BY ITS SECRETARY.**

R1 & R2 BY GOVERNMENT PLEADER (SHRI MOHAMMED ANZAR)

R3 BY ADV. SRI.K.G.SARATHKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 10728 OF 2007 B

Dated this the 26th June, 2007

JUDGMENT

Petitioner challenges Ext.P1 auction notice as it is against Rule 10 of the Kerala Panchayat Raj (Acquisition and Disbursement of Properties) Rules, 2005. In the Counter Affidavit filed by the third respondent Panchayat it is, of course, stated that the right is to be given only through public auction. It is stated that the respondent Panchayat has already conducted auctions on 28.3.2007 excepting certain areas which are mentioned and the auctions were confirmed by the Panchayat Committee on 29.3.2007 and it is also stated that if the petitioner is ready to approach the Panchayat Authorities for getting fishing right in the Nadathodu, it can be given through negotiation subject to approval of the Panchayat Committee. Counsel for petitioner submits that the fishing right in Nadathodu has been given to the petitioner. As regards the larger question is concerned, I do not think that this Court

should interfere, having regard to the fact that the auctions are already over and also the petitioner has been granted fishing right in Nadathodu. Leaving open the right of the petitioner to approach this Court in future if it is so advised and leaving open the question relating to Rule 10, this Writ Petition is disposed of.

K. M. JOSEPH, JUDGE

kbk.